

DRAFT: 12/21/00

**REGULAR CITY COUNCIL MEETING
FRISCO MUNICIPAL COMPLEX
8750 MCKINNEY ROAD
COUNCIL CHAMBERS
FRISCO, TEXAS 75034
DECEMBER 19, 2000
6:30 P.M.**

MINUTES

1. Call to Order/Roll Call

Mayor Seei called the Meeting to order at 6:30 p.m. The meeting was duly called and posted in a timely manner.

Those present were: Mayor Kathy Seei, Mayor Pro-Tem Tracie Reveal (left the meeting at 9:30 p.m. due to illness), Council members: Mike Simpson, Michael Osuna, Steve Nichols, and Maher Maso.

Absent: Gary Downey (illness).

Staff present were: George Purefoy, City Manager, Jason Gray, Assistant to the City Manager, John Lettelleir, Director of Planning, Frank Jaromin, City Engineer, Julie Fort, Attorney (left the meeting at 7:20 p.m.) Richard Abernathy (entered at 7:15 p.m.) City Attorney and Nan Parker, City Secretary.

2. Invocation

Mayor Seei offered the prayer.

3. Pledge of Allegiance

Council member Simpson led the audience in the Pledge of Allegiance.

4. Citizen Input. (To begin approximately at 7:30 p.m.)

Sarah Kimmich was present to address the Council regarding affordable housing for low-income families.

Discussion only, no formal action was taken.

5. Reports.

A. Council report on "City Celebrations" for municipal projects successfully completed.

John Letteller, Director of Planning introduced the newest Planner Ralph Saccomno.

Jason Gray, Assistant to the City Manager, updated Council on the status of grants from NCTCOG.

Mayor Pro-Tem Reveal updated the Council of the status of the Soccer Tournament held in Frisco. She informed Council of the input she had received from Target Stores regarding the number of individuals that had been into the Store to purchase caps, gloves, etc. that were attending the Soccer Tournament in Frisco.

Bobby Johnson, Parks & Recreation informed the Council that they had representation from approximately 20 cities at the meet.

Council member Maso congratulated the Chamber of Commerce on their grand opening and ribbon cutting on Friday, December 15, 2000. Council member Maso also congratulated the Holiday Pops on their recent concert.

Nan Parker, City Secretary informed the Council there is a one year calendar at each place. The calendar is for Council to be aware of meetings that are scheduled for the upcoming year. She stated that there was one error, the February 20, 2001 meeting is scheduled for February 19, 2001 due to Collin County Day in Austin, Ms. Parker also informed the Council the December Litigation Update was placed in front of each for their review.

Todd Renshaw, Chief of Police, introduced block captains and then presented them a plaque received to National Night Out award.

Discussion only, no formal action was taken.

B. City Manager's report on items discussed on Agenda Item No. 35 at City Council Meeting of September 19, 2000, Agenda Item No. 35 at City Council Meeting of October 17, 2000, Agenda Item No. 34 at City Council Meeting of November 7, 2000, Agenda Item No. 28 at City Council Meeting of November 21, 2000 and Agenda Item No. 38 at City Council Meeting of December 5, 2000.

There was no discussion.

C. Capital Improvement Projects report.

Council member Simpson addressed the median update from Rick Wieland. Discussion only, no formal action was taken.

6. Consent Agenda

Mayor Pro-Tem Reveal moved to removed Item #A from the Consent Agenda. Council member Nichols Seconded the Motion. Motion carried. Vote - unanimous (5-0).

Council member Maso moved to approve the Consent Agenda, excluding Item #A. Council member Simpson seconded the motion. Motion carried. Vote - unanimous (5-0).

A. Consider and act upon approval of the Minutes of the Regular City Council Meeting held on December 5, 2000 and the Special Called City Council Meeting held on December 7, 2000.

Mayor Pro-Tem Reveal moved to **table** the minutes. Council member Maso seconded the motion. Motion carried. Vote - unanimous (5-0).

- B. Approval of invoices.
- C. Approval of Pay Estimate No. 5 for Warren Sports Complex, Phase 3 to Dean Electric, Inc. in the amount of \$291,175.00.
- D. Approval of Invoice No. 1141678 for Warren Sports Complex, Phase 4 to Carter & Burgess in the amount of \$35,188.17.
- E. Approval of Invoice No. 1141679 for Warren Sports Complex, Phase 3 to Carter & Burgess in the amount of \$2,116.69.
- F. Approval of Invoice No. 12760 for Trails Neighborhood Park Master Plan to Newman, Jackson, Bieberstein Landscape Architecture in the amount of \$3,554.50.
- G. Approval of Invoice 12760A for Southwest Community Park Master Plan to Newman, Jackson, Bieberstein Landscape Architecture in the amount of \$10,954.50.
- H. Approval of refund of taxes over \$500.00.
- I. Approval of Agreement for the installation and operation of an inmate telephone system by and between JCW Electronics, Inc. and the City of Frisco and adopt **Resolution 00-12-13R** authorizing City Manager to sign the Agreement.
- J. Approval of Invoice No. 1176313 for Warren Sports Complex, Phase 4 to Carter & Burgess in the amount of \$11,774.63.
- K. Approval of Invoice No. 1176440 for Warren Sports Complex, Phase 3 to Carter & Burgess in the amount of \$1,070.26.

- L. Award of Bid #0011-037 for Warren Sports Complex Phase IV Development to Dean Construction, Inc.
- M. Final Acceptance of Steinmart/Project #263, The Centre @ Preston Ridge, Phase 2, Blk. A, Lot 1.
- N. Final Acceptance of Project #197, Willow Pond Addition.
- O. Final Acceptance of Project #95, Trails Parkway.
- P. Approval of Pay Estimate No. 1 for Wastewater Reuse System, Phase II, Lift Station to Gracon Construction, Inc. in the amount of \$68,400.00.
- Q. Approval of Pay Estimate No. 8 for McKinney Road to BCI Utility Construction, Inc. in the amount of \$20,393.62.
- R. Approval of an Interlocal Agreement for Library Services by and between Denton County and the City of Frisco and adopt **Resolution 00-12-14R** authorizing City Manager to sign the Agreement.
- S. Authorization to advertise for bids for a 2001 utility tractor for the Parks Department.
- T. Award of Bid No. 0011-039 for the purchase and planting of trees of various sizes and species to Shades of Green Nursery and Tioga Farms, Inc.
- U. Final Acceptance of Project #204, Stonebriar Mall, Lot 2A, Block A (Haverty's).

END OF CONSENT AGENDA

7. Legislative Agenda

Council member Maso moved to remove Item #D for separate discussion. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote - unanimous (5-0).

Council member Nichols moved to approve the Consent Agenda, excluding Item #D. Council member Simpson seconded the motion. Motion carried. Vote - unanimous (5-0).

- A. Adoption of **Ordinance No. 00-12-15** Repealing Ordinance No 00-09-10 therein disannexing properties belonging to: Dr. Ernest S. Martin, William Mains and Carl Skibell.
- B. Adoption of **Ordinance No. 00-12-16** adopting NFPA 13, 1999 Edition "Installation of Sprinkler Systems", published by the National Fire Protection Association, and local additional requirements.

- C. Adoption of **Ordinance No. 00-12-17** adopting NFPA 13R, 1999 Edition "Installation of Sprinkler Systems, Residential Occupancies up to and including four (4) stories in height", published by the National Fire Protection Association, and local additional requirements.

D. Consider and act upon adoption of an Ordinance regarding exterior construction requirements for Single-Family, Two-Family, and Townhome districts.

Paul Caudro spoke against the adoption of an ordinance regarding exterior construction requirements for SF, MF and TH districts. He requested clarification of what the City is looking for.

Council member Osuna moved to defer action until later in the Meeting. Council member Simpson seconded the motion. Motion carried. Vote - unanimous (5-0).

Council member Nichols moved to reconsider 7D. Council member Simpson seconded the motion. Motion carried. Vote - unanimous. (4-0). Following discussion, Council member Osuna moved to adopt **Ordinance No. 00-12-21** therein amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01, Article II, Section 4.02; Article IV, Section 7.06, Section 9.09 (A) regarding masonry construction subject to changes to be made by the Planning Department. Council member Simpson seconded the motion. Motion carried. Vote - unanimous. (4-0).

END OF LEGISLATIVE AGENDA

Regular Agenda

The Regular Agenda was considered.

8. Consider and act upon adoption of an Ordinance amending the Zoning Ordinance creating Original Town Residential (OTR) and Original Town Commercial (OTC) Districts. (Z2000-42). Consider and act upon approval of request and adoption of Ordinance of same. Tabled at the City Council Meeting on December 5, 2000.

Council member Nichols moved to remove the item from the table. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote - unanimous (5-0).

Tammy Kurth was present to address the Council requesting approval of OTR*. Bobby Johnson, Jr. was present to address the Council regarding the homes on Oak Street. He stated that the request does not personally affect his home, however; he was concerned about the existing standards being difficult

Following discussion, Council member Simpson moved to adopt **Ordinance No. 00-12-18** therein amending the Zoning Ordinance creating OTR and OTC Districts. The amendment was for OTC subject to amendment in the ordinance to include:

- a. Hours of operation 7:00 a.m. to 6:00 p.m.,
- b. Deletion of the uses:
Gunsmith and
Check cashing service and loan agency.

Council member Maso seconded the motion. Voting Aye: Simpson, Osuna, Nichols and Maso. Voting Nay: Mayor Pro-Tem Reveal. Motion Carried. Vote: 4-1.

9. Consider and act upon adoption of an Ordinance rezoning 184.7 acres to Original Town Residential (OTR) and Original Town Commercial (OTC). (Z2000-41). Consider and act upon approval of request and adoption of Ordinance of same. Tabled at the City Council Meeting on December 5, 2000.

Council member Nichols moved to remove the item from the table. Council member Osuna seconded the motion. Motion carried. Vote - unanimous (5-0).

Council member Simpson moved to adopt **Ordinance No. 00-12-19** therein rezoning 184.70 acres, more or less to Original Town Residential (OTR) and Original Town Commercial (OTC). Council member Osuna seconded the motion. Motion carried. Vote - unanimous (5-0).

10. Consider and act upon adoption of an Ordinance amending Frisco Ordinance Nos. 00-10-15, 00-04-10 and 00-08-17 providing for the extension of a temporary suspension of the issuance of building permits and acceptance of applications for concept plans, preliminary and/or final site plans, conveyance plats, preliminary and/or final plats; replats and zoning cases in the downtown district.

Passed, no discussion or action required due to the passage of the above ordinance(s).

11. Presentation by Nate Lanford of Dallas 2012

Nate Lanford of Dallas 2012 was present to address the Council and gave an update on the status of the efforts of the Dallas 2012 to bring the 2012 Olympics to the Dallas area.

Discussion only, no formal action was taken.

12. Discussion with AT&T regarding @Home service delivery

Jason Gray, Assistant to the City Manager, updated the Council on the status of AT&T home delivery. He (Gray) informed the Council there would be more information available after the first of the year.

Discussion only, no formal action was taken.

13. Discussion with S.W. Bell regarding the implementation of broadband services.

Representatives of S.W. Bell were present to address the Council regarding the implementation of broadband services. Discussion only no formal action was taken.

14. Discussion regarding alarm permit and alarm response cost comparison

Todd Renshaw, Chief of Police was present to address the Council regarding alarm permits and alarm response cost comparison. Discussion only, no formal action was taken.

15. Consider and act upon re-scheduling the January 2, 2001 City Council Meeting

Discussion regarding re-scheduling the January 2, 2001 City Council Meeting. Council member Maso moved to leave the City Council Meeting as scheduled on January 2, 2001. Council member Simpson seconded the motion. Motion carried. Vote - unanimous. (4-0).

16. Consider and act upon extending time to complete Central Park until January 31, 2001

Council member Maso to extend the completion date of Central Park until January 31, 2001. Council member Simpson seconded the motion. Motion carried. Vote - unanimous. (4-0).

17. Public Hearing on the consideration of expansion of the boundaries of Frisco Tax Increment Reinvestment Zone #1 and the inclusion of additional public and educational projects and facilities within the Zone

Council member Maso moved to open the public hearing. Council member Osuna seconded the motion. Motion carried. Vote – unanimous. (4-0).

There being no one present to speak for or against the request, Council member Maso moved to close the public hearing. Council member Osuna seconded the motion. Motion carried. Vote – unanimous. (4-0).

18. Adoption of an Ordinance for the expansion of the boundaries of Frisco Tax Increment Reinvestment Zone #1 and the inclusion of additional public and educational projects and facilities within the Zone

Council member Osuna moved to adopt **Ordinance No. 00-12-22** subject to review by the City Attorney. Council member Simpson seconded the motion. Motion carried. Vote - unanimous. (4-0).

This item was heard after Item #7D.

19. Consider and act upon adoption of an Ordinance changing TXU Gas Rates

Steve Matthews, TXU Gas Rate, was present to address the Council regarding the TXU Gas Rate changes. Following discussion, Council member Simpson moved to adopt ***Ordinance No. 00-12-20*** therein adopting the revised fees for TXU Gas Rates. Council member Osuna seconded the motion. Motion carried. Vote - unanimous. (4-0).

20. Public Hearing: Specific Use Permit SUP2000-38 Applicant(s): Jeff and T. O. Scherer. A request for a Specific Use Permit (SUP) for a Metal Building on 10.0+ acres on the east side of C.R. 114 (future Independence Parkway), 1,200+ feet north of C.R. 22 (future Eldorado Parkway). Zoned Agricultural and SUP #72 for a Commercial Nursery. Consider and act to instruct staff to prepare an ordinance on the above request. Neighborhood #6. Tabled at the City Council Meeting on November 21, 2000 and December 5, 2000.

Council member Simpson moved to leave the item on the table. Council member Osuna seconded the motion. Motion carried. Vote - unanimous. (4-0).

21. Public Hearing: Zoning Case SUP2000-40 Applicant(s): General Growth Properties, Inc and Buca Di Beppo, Inc. Request for a Special Use Permit (SUP) for a Private Club to serve alcoholic beverages in conjunction with the operation of a restaurant on one lot on 1.4± acres on the north side of S.H. 121 1150± feet west of Preston Road. Consider and act to instruct staff to prepare an ordinance on the above request. Neighborhood #35.

Council member Maso moved to open the public hearing. Council member Nichols seconded the motion. Motion carried. Vote - unanimous. (4-0).

Council member Osuna moved to close the public hearing. Council member Nichols seconded the motion. Motion carried. Vote - unanimous. (4-0).

Staff was instructed to prepare an ordinance for adoption at a later date.

22. Public Hearing: Zoning Case Z2000-61 Applicant(s): City of Frisco A request to amend the Zoning Ordinance (Section 4 – Definitions and Section 3 – Use of Land and Buildings) as it relates to the creation of a definition for “In-Home Daycare” and the removal of the use and definition for “Intergenerational Care”. Consider and act to instruct staff to prepare an ordinance on the above request.

Jeff Witt, Planner, was present to address the Council regarding Staff comments and the Planning & Zoning Commission.

Council member Osuna moved to open the public hearing. Council member Nichols seconded the motion. Motion carried. Vote - unanimous. (4-0).

There being no one present to speak for or against the request, Council member Osuna moved to close the public hearing. Council member Nichols seconded the motion.

Motion carried. Vote - unanimous. (4-0).

- 23. Public Hearing: Zoning Case Z2000-64 Applicant(s): Joe Graham, FWL 95, LTD. A request to rezone 1.5± acres on the west side of future Teel Parkway, 800± feet north of future Stonebrook Parkway from Information & Technology to Single-Family-4. Consider and act to instruct staff to prepare an ordinance on the above request. Neighborhood #42.**

John Lettelleir, Director of Planning, updated the Council on the Staff and the Planning & Zoning Commission's recommendation.

Council member Osuna moved to open the public hearing. Council member Nichols seconded the motion. Motion carried. Vote - unanimous. (4-0).

Following discussion, the zoning was approved subject to staff comments and the adoption of the ordinance.

- 24. Consider and act upon approval of a Preliminary Plat: Southbrook Crossing, Phase 2. Applicant(s): Joe Graham, FWL 95, LTD. 93 Single-Family-4 lots on 31.6± acres on the northwest corner of future Stonebrook Parkway and future Teel Parkway. Zoned Information & Technology and Single Family 4. Requested zoning is Single Family 4. Neighborhood #42.**

John Lettelleir, Director of Planning, updated the Council on the Staff and the Planning & Zoning Commission's recommendation.

Following discussion, Council member Osuna moved to approve the Preliminary Plat subject to staff comments. Council member Nichols seconded the motion. Motion carried. Vote - unanimous. (4-0).

- 25. Public Hearing: Zoning Case Z2000-65 Applicant(s): Hall Phoenix/Inwood and Hall Financial Group, Ltd. A request to amend Planned Development-59 on 175.0+ acres on the southwest corner of Dallas North Tollway and Warren Parkway. Consider and act to instruct staff to prepare an ordinance on the above request. Neighborhood #45.**

Council member Osuna moved to open the public hearing. Council member Nichols seconded the motion. Motion carried. Vote - unanimous. (4-0).

Council member Nichols moved to close the public hearing. Council member Osuna seconded the motion. Motion carried. Vote - unanimous. (4-0).

Following discussion, Council member Osuna moved to approve the request subject to staff comments. Council member Nichols seconded the motion. Motion carried. Vote - unanimous. (4-0).

- 26. Adoption of an Ordinance amending Ordinance Nos. 00-10-16, 00-05-19 and 00-08-**

18 providing for the extension of a temporary suspension of the acceptance of the applications for zoning cases, concept plans, preliminary site plans, final site plans, conveyance plats, preliminary plats, final plats and replats for multi family developments in the City of Frisco.

John Lettelleir, Director of Planning, updated the Council on the Staff and the Planning & Zoning Commission's recommendation.

Council member Simpson moved to adopt **Ordinance No. 00-12-23**. Council member Osuna seconded the motion. Motion carried. Vote - unanimous. (4-0).

27. Consider and act upon approval of an Agreement for the Construction of Hillcrest Road and Ohio Drive and related Storm Sewers and other Infrastructure Improvements by and between Creekwood Hillcrest L.P. and the City of Frisco and adopt a Resolution authorizing the City Manager to sign the Agreement. Tabled at the City Council Meeting on December 5, 2000.

Staff recommended the item be tabled. Following discussion, Council member Nichols recommended leaving the item on the table. Council member Osuna seconded the motion. Motion carried. Vote - unanimous. (4-0).

28. Approval of an Agreement for right-of-way dedication and drainage improvements by and between Lee Financial, F.I.S.D. and the City of Frisco and adopt a Resolution authorizing the City Manager to sign the Agreement. Tabled at the City Council Meeting on December 5, 2000.

Staff recommended the item be tabled. Following discussion, Council member Osuna moved to leave the item on the table. Council member Nichols seconded the motion. Motion carried. Vote - unanimous. (4-0).

29. Consider and act upon implementation of energy code

Donnie Mayfield was present to address the Council regarding the energy code.

Kirk Perrin, representing David Weekly Homes, spoke against the energy code. He requested windows be allowed at .65 rather than .60.

Ronald Budson, representing Grand Homes, was present to address the Council regarding the energy code. He stated that he purchases windows for Grand Homes and the costs have doubled.

Ken Roberts, Cambridge Homes, requested the windows be allowed at .65 rather than .60.

Paul Caudro, also spoke against the energy code.

Ron Baker, HR Window Company, spoke against the energy code.

Dan Miller, AWT Window Company, stated that he could sell windows at .60 and that it would not double the costs to the homebuilders.

Jeff Witt, Planner, was present to address the Council regarding the "Green Building" concept that he is working towards.

Following lengthy discussion, staff was instructed to prepare an ordinance amending the 1998 Uniform Building Code with a simplified code using .65 windows.

30. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code

Council member Nichols moved to recess into Closed Session at 11:30 p.m. Council member Maso seconded the motion. Motion carried. Vote - unanimous. (4-0).

31. Reconvene into Regular Session and take any action necessary as a result of the Closed Session

Council member Maso moved to reconvene into Regular Session at 1:20 a.m. Council member Nichols seconded the motion. Motion carried. Vote - unanimous. (4-0).

32. Governance Agenda

Jason Gray, Assistant to the City Manager reviewed the following with the Council:

- Policy Title: Ends Monitoring Process
Review of Ends Monitoring Reports.
- Policy Title: Ends Development Process
Discussion regarding clean and beautiful standards.

Discussion only, no formal action was taken.

33. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda

1. Monthly report from Sharon, Code Enforcement.
2. 2012 Presentation in Library – Website
3. AT&T Timeline – check with Richard Abernathy to see if it falls under franchise
4. Specific Issues to Jason Gray
5. Master Calendar
6. Mayor ownership MF (John) in February
7. TIF on January 2, 2001 Meeting; TIF Board before January 2, 2001 meeting on three issues
8. Tollway Median – City's
9. Hillcrest/121
10. Lights on Tollway, poles no lights on

11. Consultant – Infrastructure
12. RFP consultant – Telecommunication
13. Calendar Green
14. Citizen Input – Sara Kimmich, End Points Housing
15. Waiting List on Housing
16. Down Payment – Citizen's affordable housing
17. 75% masonry will be brought back, ordinance will be brought back

34. Discussion on Governance's Monitoring of present City Council Meeting

Council member Simpson was in charge of the Governance Monitoring of the present Council Meeting.

35. Adjourn

There being no additional business, the meeting was adjourned at 1:22 a.m.

Kathleen A. Seei, Mayor

Attest:

Nan Parker, City Secretary